

ATTORNEY HANDBOOK & DESK REFERENCE



UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK

September 13, 2000

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**ACKNOWLEDGMENT
FROM THE
CLERK OF COURT**

This publication is based on the policies and procedures of the United States Bankruptcy Court for the Northern District of Texas in effect as of February 2, 1999. It is not a substitute for requirements contained in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, the Local Rules of this Court, and various guidelines of the Judicial Conference of the United States and the Administrative Office of the United States Courts.

Revisions and updates to this publication will be posted on PACER and on the Court's home page on the World Wide Web (<http://www.txnb.uscourts.gov>). Comments regarding this publication should be directed to:

Clerk, U.S. Bankruptcy Court
1100 Commerce Street, Room 12A24
Dallas, TX 75242-1496

PREFACE

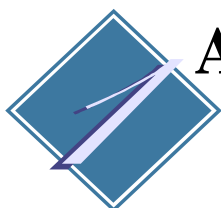
In this publication, each gender reference includes the other gender and singular references include the plural and conversely (i.e., debtor refers to all debtors in a case).

The use of the word “parties” regarding service of documents and/or orders generally means the debtor, debtor’s attorney, trustee, movant and the U.S. Trustee. The term “parties” refers to the parties in a particular matter such as a motion, an adversary proceeding, a document, etc. rather than to all creditors and parties in interest.

Use of the word “document” includes all papers or documents presented for filing or submission to the court, but excludes exhibits submitted during a hearing or trial.

The following abbreviations are used:

§	Denotes a Section
“Code”	The Bankruptcy Code (Title 11, United States Code)
ECRO	Electronic Court Recorder Operator
Fed. R. Bankr. P.	Federal Rules of Bankruptcy Procedure
Fed. R. Civ P.	Federal Rules of Civil Procedure
NARA	National Archive and Records Administration
N.D. TX L.B.R.	Northern District of Texas Local Bankruptcy Rules
PACER	Public Access to Court Electronic Records
USC	United States Code
VCIS	Voice Case Information System



ASSIGNMENT OF VENUE & JUDGE ASSIGNMENT

◆ Divisional Venue of Cases and Proceedings

The Northern District of Texas encompasses 100 counties in the state of Texas. In this district there are four divisional offices. The staffed divisional offices are located in Amarillo, Dallas (headquarters), Fort Worth and Lubbock. The district also includes three non-staffed divisional offices in Abilene, San Angelo, and Wichita Falls.

Upon the filing of any bankruptcy petition, the case shall be assigned to its proper divisional venue according to the residence of an individual debtor or principal place of business of any of the debtors. The initial assignment and transfer of divisional venue of all cases and proceedings is governed by 28 USC § 1408, 28 USC § 1409, 28 USC § 1412, and Fed. R. Bank. P. 1014.

Divisional venue is indicated numerically in the case number. The first numerical digit after the year and hyphen represents the venue to which the case has been assigned. For example, the following case number, 98-36701-RCM-7, is a Dallas case (3 = Dallas).

Divisional assignments are indicated according to the following code:

1	Abilene	5	Lubbock
2	Amarillo	6	San Angelo
3	Dallas	7	Wichita Falls
4	Fort Worth		

◆ Divisional Offices

Amarillo Division

- Address

The address for the Bankruptcy Clerk's Office in Amarillo is 624 S. Polk Street, Room 100, Amarillo, TX 79101-2389. The mailing address is P.O. Box 15960, Amarillo, TX 79105-0960.

- Telephone Number

General information can be obtained by calling 806/324-2302.

- Public Office Hours

The Bankruptcy Clerk's Office is open from 8:00 a.m. to 4:00 p.m. Monday through Friday. Contact the Bankruptcy Clerk's Office for information regarding emergency filing procedures.

- Counties Served

The Amarillo Bankruptcy Clerk's Office serves the following counties: Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

Dallas Division

- Address

The address for the Bankruptcy Clerk's Office in Dallas is 1100 Commerce Street, Room 12A24, Dallas, TX 75242-1496.

- Telephone Numbers

General information can be obtained by calling 214/753-2000. For information regarding Wichita Falls cases, call 800/442-6850.

- Public Office Hours

The Dallas Bankruptcy Clerk's Office is open from 8:30 a.m. to 4:30 p.m. Monday through Friday. Contact the Bankruptcy Clerk's Office for information regarding emergency filing procedures.

- Counties Served

The Dallas Bankruptcy Clerk's Office serves the following counties: Archer, Baylor, Clay, Cottle, Dallas, Ellis, Foard, Hardeman, Hunt, Johnson, Kaufman, King, Knox, Montague, Navarro, Rockwall, Wichita, Wilbarger, and Young.

Fort Worth Division

- Address

The address for the Bankruptcy Clerk's Office in Fort Worth is 501 W. 10th Street, Room 147, Fort Worth, TX 76102-3643.

- Telephone Number

General information can be obtained by calling 817/333-6000.

- Public Office Hours

The Fort Worth Bankruptcy Clerk's Office is open from 8:00 a.m. to 4:00 p.m. Monday through Friday. Contact the Bankruptcy Clerk's Office for information regarding emergency filing procedures.

- Counties Served

The Fort Worth Bankruptcy Clerk's Office serves the following counties: Comanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise.

Lubbock Division

- Address

The address for the Bankruptcy Clerk's Office in Lubbock is 1205 Texas Avenue, Room 306, Lubbock, TX 79401-4002.

- Telephone Numbers

General information can be obtained by calling 806/472-5000. For information regarding Abilene and San Angelo cases, call 800/796-8262.

- Public Office Hours

The Lubbock Bankruptcy Clerk's Office is open from 8:00 a.m. to 4:00 p.m. Monday through Friday. Contact the Bankruptcy Clerk's Office for information regarding emergency filing procedures.

- Counties Served

The Lubbock Bankruptcy Clerk's Office serves the following counties: Bailey, Borden, Brown, Callahan, Cochran, Coke, Coleman, Concho, Crockett, Crosby, Dawson, Dickens, Eastland, Fisher, Floyd, Gaines, Garza, Glasscock, Hale, Haskell, Hockley, Howard, Irion, Jones, Kent, Lamb, Lubbock, Lynn, Menard, Mills, Mitchell, Motley, Nolan, Reagan, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terry, Throckmorton, Tom Green, and Yoakum.

◆ Assignment of Judges

In the absence of a conflict of interest, all cases filed in the Northern District of Texas are assigned to judges as follows:

1. Abilene: resident judge of the Lubbock Division.
2. Amarillo: resident judge of the Lubbock Division.
3. Dallas: randomly assigned through automated case assignment system to one of the four resident judges of the Dallas Division*.
4. Fort Worth: randomly assigned through automated case assignment system to the resident judge of the Fort Worth Division or Dallas judge designated to hear Fort Worth cases*.
5. Lubbock: resident judge of the Lubbock Division.
6. San Angelo: resident judge of the Lubbock Division.
7. Wichita Falls: chief judge of the district.

* See NOTICE dated 1/19/00 for specific case allocations (available on the Court's web-site at <http://www.txnb.uscourts.gov>).

Judge assignment is indicated by alpha letters in the case number. The two or three letters appearing after the case number indicate the specific judge assigned. For example, case 00-36701-RCM-7, is assigned to Chief Judge Robert C. McGuire.

Judicial assignments are indicated according to the following codes:

RCM	Honorable Robert C. McGuire
MT	Honorable Massie Tillman
SAF	Honorable Steven A. Felsenthal
BJH	Honorable Barbara J. Houser
RLJ	Honorable Robert L. Jones
HCA	Honorable Harold C. Abramson



GENERAL INFORMATION

◆ Federal Holidays

All Bankruptcy Clerk's Offices will be closed in observance of the following federal holidays:

New Year's Day	January 1*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4*
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans' Day	November 11*
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25*

* If the holiday falls on a Saturday, it is observed on the Friday before. If it falls on a Sunday, it is observed on the following Monday.

◆ **Copy/Certification/Exemplification Services**

Each divisional Clerk's Office provides copy, certification, and exemplification services. Pursuant to the current fee schedule adopted by the Administrative Office of the U.S. Courts, the Clerk's Office will charge \$.50 per page for copies, \$5.00 per document for certification, and \$10.00 for exemplification. To request copies, please complete a Copy Request form available in the Clerk's Office or on the Court's web page (www.txnb.uscourts.gov) and return it to the Clerk's Office.

◆ **Transcription and Tape Duplication**

Chief Judge Robert C. McGuire & Judge Barbara J. Houser

To order transcripts or audio tapes of proceedings before Chief Judge Robert C. McGuire or Judge Barbara J. Houser you must complete a Court Transcript Order or Tape Order form. The forms are available on the Court's web-site (<http://www.txnb.uscourts.gov>), in the courtroom, the Bankruptcy Clerk's Office, or by requesting them from the ECRO. If you do not have the Court Transcript Order form, contact Judge McGuire's ECRO at 214/753-2069 or Judge Houser's ECRO at 214/753-2064 for information on ordering transcripts by fax. The forms must be completed in full. Instructions for completing them are on the back of the form. Please pay particular attention to Items 16 - 19.

Judge Massie Tillman

For information regarding transcripts of proceedings before Judge Massie Tillman, contact the ECRO at 817/333-6015.

Judge Steven A. Felsenthal & Judge Harold C. Abramson

To order transcripts of proceedings before Judge Steven A. Felsenthal or Judge Harold C. Abramson, contact *National Court Reporters* at 214/651-8393.

◆ Voice Case Information System

The Bankruptcy Clerk's Office offers an electronic voice system which provides callers with basic case information such as case number, filing date, and assigned judge for bankruptcy cases in the Northern District of Texas. The Voice Case Information System (VCIS) is available 24 hours a day, seven days a week, and can be accessed by calling 800/886-9008 from any touch tone telephone.

◆ Public Access to Court Electronic Records

Access to Bankruptcy Court records is available 24 hours a day, seven days a week through PACER (Public Access to Court Electronic Records). PACER allows you to retrieve electronic case summaries and docket information using a personal computer. It allows you to:

- search by party name or case number
- track updates to a case
- get a printed summary of a case
- research case involvements
- review a listing of cases opened the previous day
- request a listing of creditors for a particular bankruptcy case
- review court calendars
- review Local Rules for the Northern District of Texas

PACER also allows you access to case information from various U.S. district courts and bankruptcy courts across the country.

Subscribing to PACER is free, but there is a \$.60 per minute access fee if using a modem and a fee of \$.07 per printed page if accessing via the web. For more information or to subscribe to PACER, contact the PACER Service Center, P.O. Box 78054, San Antonio, TX 78278-0549 or call 800/676-6856.

◆ **Public Information Terminals**

Each Clerk's Office has Public Information Terminals in the lobby. These terminals allow users direct query access to the Court's data base. The query system allows users to search by party name or case number. There is no charge to use the public terminals.

◆ **Internet Web-Site**

The Bankruptcy Clerk's Office has created an Internet web-site to disseminate information to the public. The address is <http://www.txnb.uscourts.gov>. Information currently available on the web-site includes:

- Announcements
- Case/Contact information
- Federal Rules
- Hearing calendar
- Local Rules
- Mediation procedures
- Case docket sheets
- Standing Orders
- Bankruptcy filing information
- Copy requests
- Fee schedule
- Legal bar associations
- Long range strategic plan
- Texas Bankruptcy Courts
- Attorney Desk Reference

◆ **Facsimile Filings**

Pursuant to Standing Order 97-1 and 98-1, in emergency situations, attorneys residing in the Abilene, San Angelo, and Wichita Falls Divisions may file bankruptcy petitions for cases properly venued in those divisions by facsimile transmission.

Facsimile filings in the Abilene and San Angelo Divisions are subject to the procedures and guidelines contained in Standing Order 98-1. Guidelines and procedures for facsimile filings in the Wichita Falls Division are governed by Standing Order 97-1.

◆ Record Retrieval

Bankruptcy case and adversary proceeding files are maintained in the Bankruptcy Clerk's Office for a limited time; usually 1 - 6 months after the case is closed. After this period of time, the file is maintained by the National Archive and Records Administration (NARA) in Fort Worth.

There are two options for viewing files which have been moved to the NARA. First, upon request, the Bankruptcy Clerk's Office can arrange to retrieve a particular file from the NARA. There is a \$25.00 fee for this service. Requests may be made in writing or in person and should be directed to the Bankruptcy Clerk's Office in which the case was closed. The second option is to view the file at the NARA. There is no fee to view a file at the NARA. You **must** make an appointment with the NARA to view files by calling them at 817/334-5515. The NARA is located at 501 Felix Street, Building 1, Dock 1, in Fort Worth.

Whether you choose to view a file in the Bankruptcy Clerk's Office or go to the NARA, the following information is required: 1) case number; 2) debtor name; 3) NARA accession number; 4) NARA location number; and 5) agency box number. This information can be obtained by contacting the Bankruptcy Clerk's Office in which the case was closed.



JUDICIAL INFORMATION

◆ Chambers Location and Personnel

Chief Judge Robert C. McGuire

- Address

Chief Judge McGuire's chambers are located at 1100 Commerce Street, Room 14A4, Dallas, TX 75242-1496. His courtroom is located in room 14B5 (Courtroom #1) on the 14th floor.

- Telephone Numbers

Telephone inquiries to Chief Judge McGuire's chambers should be directed to the following:

Secretary	214/753-2016
Law Clerk	214/753-2017
Courtroom Deputy	214/753-2060
ECRO	214/753-2069

Judge Massie Tillman

- Address

The address for Judge Tillman is 501 W. 10th Street, Room 147, Fort Worth, TX 76102-3643. His courtroom is located in room 128 on the 1st floor.

- Telephone Numbers

Telephone inquiries to Judge Tillman's chambers should be directed to the following:

Secretary	817/333-6020
Law Clerk	817/333-6022
Courtroom Deputy	817/333-6016

Judge Steven A. Felsenthal

- Address

Judge Felsenthal's chambers are located at 1100 Commerce Street, Room 14A4, Dallas, TX 75242-1496. His courtroom is located in room 14A7 (Courtroom #3) on the 14th floor.

- Telephone Numbers

Telephone inquiries to Judge Felsenthal's chambers should be directed to the following:

Secretary	214/753-2040
Law Clerk	214/753-2042
Courtroom Deputy	214/753-2046

Judge Barbara J. Houser

- Address

Judge Houser's Dallas chambers and courtroom are located at 1100 Commerce Street, Room 14A4, Dallas, TX 75242-1496. Her courtroom is located in room 14B15 (Courtroom #2) on the 14th floor.

Judge Houser's Fort Worth chambers are located at 501 W. 10th Street, Room 206, Fort Worth, TX 76102-3643. Unless otherwise posted, Judge Houser will hear matters in Judge Tillman's courtroom located in room 128 on the 1st floor.

- Telephone Numbers

Telephone inquiries to Judge Houser's chambers should be directed to the following:

Secretary	214/753-2055
Law Clerk	214/753-2056
Courtroom Deputy	214/753-2059
ECRO	214/753-2064

Judge Robert L. Jones

- Address

Judge Jones' resident division is the Lubbock Division. His Lubbock address is 1205 Texas Avenue, Room 312, Lubbock, TX 79401-4002. He also holds court in the Amarillo Division. His Amarillo address is 624 S. Polk Street, Room 100, Amarillo, TX 79101-2389.

- Telephone Numbers

Telephone inquiries to Judge Jones' chambers should be directed to the following:

Secretary	806/472-5020
Law Clerk	(Lubbock) 806/472-5021
	(Amarillo) 806/324-2281
Courtroom Deputy	806/472-5006

Judge Harold C. Abramson

- Address

Judge Abramson's chambers are located at 1100 Commerce Street, Room 12A24, Dallas, TX 75242-1496. Courtroom location will vary, please refer to current calendar for exact room number.

- Telephone Numbers

Telephone inquiries to Judge Abramson's chambers should be directed to the following:

Law Clerk	214/753-2110
Law Clerk	214/753-2111
Courtroom Deputy	214/753-2022

◆ Calendar Procedures

Chief Judge Robert C. McGuire

- General Docket

Attorneys may present agreed orders at the 9:15 a.m. and 1:30 p.m. docket calls and should contact the courtroom deputy to confirm dates and times for docket calls. Disagreements over the form of orders should be submitted to the judge in writing.

- Scheduling Settings

Most settings are scheduled with at least 20 days notice from the date the motion is filed. Disclosure statements and chapter 11 plans are set with 25 to 30 days notice from the date of the request. Claims objections and trustee's final account hearings are set with 30 days notice from the date of the request.

All settings, except emergencies and expedited requests, and Wichita Falls lift stays are set telephonically or by e-mail in advance of the filing of motions, applications, or adversary complaints. Contact the Courtroom Deputy to schedule a setting at 214/753-2060 or RCM_Settings@txnb.uscourts.gov.

For further setting procedures see: Notice Regarding Settings in Judge McGuire's Court dated March 24, 1997 (contact the Bankruptcy Clerk's Office for copies).

- Emergency/Expedited Requests

True emergency matters will be dealt with as they arise in the most expeditious manner possible under the prevailing circumstances.

Emergency/expedited settings will be set either by phone or in person. Please contact the courtroom deputy with as much advance notice as possible prior to filing the expedited pleading.

- Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the Court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the Court, number of parties seeking to appear by phone, associated time and cost of travel, and equity to all parties. Counsel may request a telephonic hearing by sending or faxing a letter to the courtroom deputy. *See Appendix A for more information.*

- Motions to Lift/Annul/Modify or for Relief from Stay

Dallas preliminary hearings on motions to lift stay are set by phone and must be set by movant within 30 days from the date of filing with notice to all parties. Preliminary hearings are scheduled on Wednesdays at 1:30 p.m.

Final hearings are usually scheduled each Wednesday at 2:30 p.m., except during trial week.

Preliminary hearings may be rescheduled to a final hearing or another preliminary date, or removed from the docket prior to the hearing by a phone call to the courtroom deputy by the movant, with notice to respondent(s). Final hearings may also be rescheduled or removed prior to the hearing in the same manner.

- U.S. Trustee Docket

The U.S. Trustee's docket is scheduled every fourth Thursday of the month at 9:15 a.m. Settings are scheduled by the attorney in the Office of the U.S. Trustee handling Judge McGuire's cases. The Bankruptcy Clerk's Office handles noticing.

- Chapter 13 Trustee Docket

The chapter 13 trustee's docket is scheduled on the fourth Thursday of the month at 2:00 p.m. These dockets are prepared by the chapter 13 trustee's office and are faxed to the court prior to the hearings. General dockets are always scheduled through the chapter 13 trustee's office.

- Resets/Removals from the Docket

When hearings/trials are requested to be reset, the party requesting the resetting has to certify to the courtroom deputy that all parties (or their attorneys) have agreed to the resetting. Improper resets are grounds for substantial sanction. Frequently-agreed passes on the same matter may eventually necessitate proof of client consent, or result in the matter being dismissed for want of prosecution.

On an adversary docket call where it is announced that the matter is passed for settlement, the case will be dismissed for want of prosecution 30 days thereafter unless written explanation is furnished to the court, within such 30 days, explaining why the case needs to be retained on the docket or reset.

- Fee Applications

Fee applications are normally set for hearing. *See Appendix B for required Fee Application Cover Sheet.*

- Trustee's Final Report

Final Reports are reviewed by Judge McGuire and he notes whether a hearing is necessary. Noticing is handled by the Bankruptcy Clerk's Office. If no objections are filed, the court may consider it without a hearing. If objections are filed, the trustee will notice the objecting party only.

- Trial Docket Call/Adversaries

The Standing Scheduling Order and summons are processed and mailed to the attorneys by the courtroom deputy. Generally trial docket call is scheduled the last Monday of the month at 9:15 a.m. Generally, trial week is scheduled for the following week. The judge will schedule trials at the docket call or by signed court order. The plaintiff's attorney shall serve all parties the Standing Scheduling Order with the summons and complaint. Compromise, settlement, and stipulations are expected to have occurred prior to the docket call. See the Standing Scheduling Order regarding adversary proceedings for time requirements on submitting and/or filing of a proposed pretrial order, proposed findings of fact and conclusions of law, or witness and exhibit lists.

- Motions for Default Judgment

Motions for Default Judgment **always** require a hearing if a non-liquidated debt, and should be set prior to the trial docket call if possible.

- Motions for Summary Judgment

Motions for Summary Judgment require a hearing unless the parties request a decision on pleadings. Such request should be communicated to the judge or calendar clerk in writing. Per the Scheduling Order, Motions for Summary Judgment may not be filed within 30 days of trial unless permission is given by the court.

- Evidentiary Hearings

Before any evidentiary hearing, the parties are expected to have: 1) discussed settlement; 2) exchanged witness lists and exhibits; and 3) attempted to have stipulated on uncontested matters (See N.D. TX L.B.R. 9014.1).

Judge Massie Tillman

Contact the courtroom deputy at 817/333-6016 for information on calendaring procedures in Judge Tillman's Court.

Judge Steven A. Felsenthal

- General Docket

Attorneys may present orders at the 9:30 a.m. and 1:30 p.m. docket calls and should contact the courtroom deputy to confirm dates and times for docket calls. Disagreements by attorneys over the drafting of an order should be submitted to the Judge in writing.

- Scheduling Settings

Most settings are scheduled with at least 20 days notice. Disclosure statements and chapter 11 plans are set with not less than 25 days notice. Claims objections and trustee's final account hearings are set with 30 days notice.

All settings, except emergencies and expedited requests, are set telephonically or by e-mail in advance of the filing of motions, applications, or adversary complaints. Emergency motions should be filed prior to setting. Contact the courtroom deputy at 214/753-2046 or SAF_Settings@txnb.uscourts.gov to schedule a setting.

- Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the Court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the Court, associated time and cost of travel, and equity to all parties. Counsel may request a telephonic hearing by sending or faxing a letter to the courtroom deputy. *See Appendix A for more information.*

- Emergency/Expedited Requests

Emergency and expedited motions should be filed after a courtesy call to the courtroom deputy. After review, the Judge will determine when an emergency shall be set. All emergency or expedited pleadings should be filed prior to setting. If not deemed an emergency, the courtroom deputy will set it through normal procedures. The courtroom deputy will contact the filing attorney to advise the date and time for the hearing.

- Motions to Lift/Annul/Modify or for Relief From Stay

Preliminary hearings on motions to lift stay are set by phone and must be set with at least 20 days notice and not more than 30 days notice. The courtroom deputy will change her voice mail recording to indicate the hearing date to be used. Preliminary hearings are scheduled on Thursday afternoons at 1:30 p.m.

Final hearings are usually scheduled the first Monday of the month at 9:30 a.m. Schedule permitting, they will also be scheduled the 3rd or 4th Monday.

Preliminary hearings may be rescheduled to a final hearing or another preliminary date, or removed from the docket prior to the hearing by a phone call to the courtroom deputy. Final hearings may also be rescheduled or removed by the movant prior to the hearing by a phone call to the courtroom deputy.

Agreed or default orders submitted prior to the scheduled hearing date will be held until the hearing for signature.

- U.S. Trustee Docket

The U.S. Trustee's docket is scheduled on the first Wednesday of the month at 1:30 p.m. Settings are scheduled by Nancy Resnick. The Bankruptcy Clerk's Office sends out notices.

- Chapter 13 Trustee Docket

The chapter 13 trustee's docket is scheduled on the second or third Thursday of the month at 2:00 p.m. These dockets are prepared by the chapter 13 trustee's office and are faxed to the court prior to the hearings. General dockets are always scheduled through the chapter 13 trustee's office. The courtroom deputy cannot set on this docket unless instructed by the judge.

In the Dallas Division, a separate dismissal docket is scheduled once a month. This docket rotates in 4 month increments among the judges. It will be scheduled at 1:30 p.m.

- Discharges/Reaffirmations/Lien Avoidances

The only items scheduled on this docket are matters of pro se debtors and contested lien motions. Pro se debtors with reaffirmation agreements must appear.

- Resets/Removals from the Docket

After hearings have been noticed, continuances may only be granted by court order upon motion. A party shall either file a written motion or, with the opposing side present or in agreement, present an oral motion. The motion shall establish cause for the continuance. The movant shall confer with the opposing party and advise the court if the motion is contested. A written motion shall not exceed 2 pages in length. A motion in letter form is acceptable. The court may decide the motion by order on a proceeding memorandum or by separate written order. The court appreciates courtesy calls to the courtroom deputy of the desired continuances, but the continuances themselves must be by court order. The courtroom deputy may, however, continue a preliminary hearing on a motion to lift the automatic stay to a final hearing or reset the preliminary hearing at the request of the movant to lift the stay.

If a hearing has **not** been noticed, the courtroom deputy may reset the hearing date without court order.

For settlements and agreed orders obviating the need for a hearing, counsel need not appear at the scheduled hearing if, prior to the hearing, counsel has filed a written pleading or communication, or has otherwise appeared to place the agreement on the record. Otherwise, the parties shall appear at the scheduled hearing to place the agreement on the record.

- Fee Applications

Fee applications are normally set for hearing. *See Appendix B for required Fee Application Cover Sheet.*

- Trustee's Final Report

No hearing is required for the trustee's final report unless an objection is filed or the Court orders a hearing. Notice is mailed by the Bankruptcy Clerk's Office. After the objection period runs, if there are no objections, proposed orders will be sent to the judge for review. If an objection is filed, it will be set for hearing.

- Trial Docket Call/Adversaries

Trial docket call/adversaries are scheduled on the first Monday of the month at 1:30 p.m. The courtroom deputy schedules the trial docket call and trial week. Generally trial week is scheduled the following week. The judge will schedule trials at the docket call or by signed court order.

Trial docket calls and trial settings are **only** reset by Motion to Continue or announcement in court. They may be taken off the docket for settlements if a letter (or fax), signed by an attorney, is received prior to the hearing.

The Standing Scheduling Order shall also be issued at this time. The plaintiff's attorney shall serve all parties the Standing Scheduling Order with the summons and complaint. Compromise, settlement, and stipulations are expected to have occurred prior to the docket call. Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

- (i) A Proposed Pretrial Order shall be served and filed seven calendar days prior to docket call;
- (ii) Proposed Findings of Fact and Conclusions of Law shall be filed three days prior to docket call; and
- (iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

- Motions for Default Judgment

Motions for default judgment **always** require a hearing and will be set prior to the trial docket call if possible.

- Motions for Summary Judgment

Motions for summary judgment require a hearing unless the parties request it be decided on pleadings.

Judge Barbara J. Houser

- General Docket

In both the Dallas and Fort Worth divisions, attorneys may present agreed written orders at morning and afternoon docket calls, but are advised to contact the courtroom deputy to confirm dates and times for docket calls.

- Scheduling Hearings

Hearings are generally scheduled with at least twenty (20) days notice from the date the motion is filed and served. Disclosure statements and plans of reorganization are set with twenty-five (25) to thirty (30) days notice from the date of service. Claims objections and Trustee's final account hearings are set with thirty (30) days notice.

All settings, except for emergencies and expedited requests, are set telephonically or by e-mail in advance of filing by the courtroom deputy. Contact the courtroom deputy at 214/753-2059 or BJH_Settings@txnb.uscourts.gov to schedule a setting. All motions and applications shall be in conformity with N.D. TX L.B.R. 5005.1, and shall include the hearing date and time on their face.

- Emergency/Expedited Motions

All requests for emergency/expedited hearings shall be made in writing by a separate motion which: (1) requests the emergency/expedited setting and shortened notice period, and (2) states the reason(s) for the emergency/expedited setting. The Court appreciates courtesy calls to the courtroom deputy regarding the filing of emergency/expedited motions and preferred settings, but the settings themselves must be granted by the Court.

After review of the pleadings, the Court will determine whether an emergency/expedited setting is warranted. Should the Court so determine, the courtroom deputy will call the moving attorney with the time for the setting. The moving attorney is responsible for sending out notice. If the Court does not grant an emergency/expedited setting, the courtroom deputy will set the hearing through normal procedures.

At the emergency/expedited hearing, the Court will first hear argument and objections (if any) as to the necessity and appropriateness of the emergency/expedited setting. Only if and after it finds in favor of such a setting will the Court hear arguments on the merits of the underlying motion.

- Telephonic Hearings

Hearings may be conducted by teleconference when deemed appropriate and/or feasible by the Court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the Court, associated time and costs of travel, and equity to all parties. Counsel may request a telephonic hearing by sending or faxing a letter to the courtroom deputy. *See Appendix A for more information regarding telephonic hearings.*

- Motions to Lift/Annul/Modify or for Relief from Stay

Except for agreed motions filed pursuant to Fed. R. Bankr. P. 4001(d), preliminary hearings on all stay motions are set prior to filing by calling the courtroom deputy to obtain the date for the setting. The hearing must be set by movant with at least twenty (20) days notice and not more than thirty (30) days notice. Motions not set within thirty (30) days of the date of filing shall be denied for want of prosecution.

In the Dallas division, preliminary hearings on stay motions are scheduled Monday mornings at 9:00 a.m. with final hearings, if necessary, on Monday mornings at 10:00 a.m. Stay motions in cases in the Fort Worth division are set by the courtroom deputy. The courtroom deputy will update its voice mail message weekly to indicate the current hearing date to be used. Attorneys in both the Dallas and Fort Worth divisions are advised to contact the courtroom deputy to confirm dates and times for the lift stay docket. Movant shall provide notice of the hearing date and time to all appropriate parties.

On agreement of the parties, or upon default of the responding party, preliminary hearings on stay motions may be removed from the docket prior to hearing by calling the courtroom deputy. For cases in both the Dallas and Fort Worth divisions, the moving party must call the courtroom deputy **by 10:00 a.m. on the business day prior to the setting**, and provide notice to respondents, in order to be removed. Final hearings may be removed from the docket prior to hearing in the same manner. For both preliminary and final motions, agreed and/or default orders for cases removed from the docket must be filed on or before the

tenth day after the hearing date or the motion will be dismissed for want of prosecution.

Hearings on preliminary stay motions in both the Dallas and Fort Worth divisions are governed by N.D. TX L.B.R. 4001.1(e). Accordingly, absent compelling circumstances, evidence at preliminary hearings may be presented by affidavit only.

- U.S. Trustee Docket

In the Dallas division, the U.S. Trustee docket is generally scheduled for the third Friday of each month at 9:00 a.m. In the Fort Worth division, the U.S. Trustee docket is generally scheduled for the last Thursday of each month at 1:15 p.m. Settings are scheduled by George McElreath, U.S. Trustee. The Bankruptcy Clerk's office sends out notices of scheduled hearings.

- Chapter 13 Trustee Docket

In the Dallas division, the Chapter 13 Trustee docket is generally scheduled for the third Thursday of each month at 2:00 p.m. In the Fort Worth division, the Chapter 13 Trustee docket is generally scheduled for the first Thursday of each month at 1:15 p.m. Parties should contact the courtroom deputy or the Office of the Standing Chapter 13 Trustee to confirm dates and times. These dockets are prepared by the Chapter 13 Trustee's office and the courtroom deputy cannot set matters on this docket unless so instructed by the Judge.

- Resets/Removals from the General Hearing Docket

After hearings have been noticed, continuances are granted only by court order upon motion. A party moving for continuance shall either file a written motion **at least 48 hours prior to the hearing** or, with the opposing side present or in agreement, present an oral motion. Parties filing written motions for continuance should, prior to filing, call the courtroom deputy to obtain a date for the proposed resetting. Written

motions shall establish “cause” for the requested continuance and identify any previous continuances. The movant shall confer with the opposing party and advise the Court if the requested continuance is contested. Written motions shall not exceed two pages in length and motions in letter form are acceptable. The Court may decide the motion by order on a proceeding memorandum or by separate written order. Frequent agreed-passes on the same matter may necessitate proof of client consent or may result in the matter being dismissed for want of prosecution.

For agreed orders obviating the need for hearing, counsel need not appear at the scheduled hearing if, **at least 48 hours prior to the hearing**, counsel has placed a courtesy call to the courtroom deputy and filed a written pleading, or has otherwise appeared to place the agreement on the record. Otherwise, parties shall appear at the scheduled hearing to place the agreement on the record.

- Fee Applications (Interim and Final)/Retainer Draw Down Requests

Fee applications shall be filed and served in accordance with the Bankruptcy Code and Rules. Retainer draw down requests shall be filed and served in accordance with N.D. TX L.B.R. 2016.1. In addition, **prior** to an Order awarding fees and/or authorizing retainer draw downs being submitted to the Court for consideration, such Order must be reviewed and approved by the appropriate Trustee as set forth below. If no objections are filed and the applicable Trustee(s) has approved the Order, the Court may consider the fee request without a hearing. Fee requests subject to objection(s) by any party in interest or the U.S. Trustee shall be set for hearing with notice only to the objecting party(ies).

In cases under Chapter 7, proposed orders shall be reviewed and approved by the U.S. Trustee and the Chapter 7 Trustee. In cases under Chapter 11, proposed orders shall be reviewed and approved by the U.S. Trustee and, if applicable, the Chapter 11 Trustee. In cases under Chapters 12 and 13, proposed orders shall be reviewed and approved by the Chapter 12 Trustee or Chapter 13 Trustee, as applicable.

- Trustee Final Reports

No hearing is required for the Trustee’s final report unless an objection is filed or the Court orders a hearing. After the objection period runs, if there are no objections, and after the Trustee certifies to the Court that no objections have been filed, proposed orders will be sent to the Court for review. If an objection is filed, or if the Court so orders, the report will be set for hearing.

- Trial Docket Call/Adversary Proceedings

The third full week of each month (except Monday morning) is designated “trial week” for both the Dallas and Fort Worth divisions. Trial docket calls are set by the Court’s Standing Scheduling Order and generally take place the week prior to trial in the respective division. Unless otherwise ordered by the Court, trials will be held in the Dallas division regardless of the division in which the case is pending. All attorneys with cases on the trial docket are expected to appear at the trial docket call and to be prepared at that time for trial. The Court will schedule trials at the docket call or by signed court order.

When an adversary proceeding is filed, the Bankruptcy Clerk’s Office will schedule both the docket call and trial week with information provided by the courtroom deputy. The Summons and Notice of Trial form and Standard Scheduling Order shall issue at this time. The plaintiff’s attorney is responsible for serving all parties with the Standard Scheduling Order along with the summons and complaint.

Prior to docket call, parties are expected to have made good faith attempts at compromise and settlement. In addition, parties are to strictly adhere to the terms and deadlines established by the Standing Scheduling Order. Specifically, parties are expected to have:

- (i) Completed discovery thirty (30) days prior to the first scheduled docket call;

- (ii) Filed a Pre-Trial Order in compliance with N.D. TX L.R. 16.4 which includes, *inter alia*, a summary of claims and defenses, a list of contested issues of fact, a list of contested issues of law, and **a statement of stipulated facts** at least seven (7) days prior to the first scheduled docket call; and
- (iii) Filed written proposed findings of fact and conclusions of law, as well as trial briefs (if any), at least three (3) days prior to the first scheduled docket call.

In addition, parties are to file with the Court a list of witnesses and exhibits, except those being used for impeachment, at least three (3) days prior to the first scheduled docket call.

Trials of adversary proceedings may be continued only by Court order upon written motion. A party moving for continuance shall file a written motion **at least 48 hours prior to the docket call**. The motion shall establish “cause” for the continuance and identify any previous continuances. The movant shall confer with the opposing party and advise the Court if the motion is contested. The Court may decide the motion by order on a proceeding memorandum or by separate written order. Frequent agreed-continuances on the same matter may necessitate proof of client consent or may result in the matter being dismissed for want of prosecution.

For settlements and agreements obviating the need for trial, counsel need not appear at the scheduled docket call if, **at least 48 hours prior to that docket call**, counsel has placed a courtesy call to the courtroom deputy and filed a written pleading, or has otherwise appeared, to place the agreement on the record. Otherwise, parties shall appear at the scheduled docket call to place the agreement on the record. On an adversary docket call where the Court is asked to pass the matter because of an anticipated settlement, the case will be dismissed for want of prosecution thirty (30) days thereafter unless written explanation is furnished to the Court, within such thirty (30) days, explaining why the case should be retained on the docket or reset.

- Motions for Default Judgments

Motions for default judgment always require hearing and shall be set prior to the trial docket call if possible.

- Motions for Summary Judgment

Motions for summary judgment require a hearing unless the parties request a decision on the pleadings. Per the Standard Scheduling Order and N.D. TX L.B.R. 7056.1, motions for summary judgment may not be filed within thirty (30) days of the trial date unless permission is given by the Court.

- Pleadings/Service of Pleadings

All original pleadings, including orders, are to be filed with Bankruptcy Clerk's Office for the division in which the case is pending. The Bankruptcy Clerk's Office will direct them in due course to the Court's chambers. Unless so directed by the Court, do not send pleadings or orders directly to the Court's chambers.

Pleadings filed less than two (2) full business days before hearing should be so identified to the intake clerk when filed and to the Court at hearing. Only attorneys may sign certificates of service and the signing attorney shall be accountable for service of pleadings and notices of hearing dates and times.

- Form of Proposed Orders

Proposed orders which place the Court's signature line on a page by itself will not be signed.

- Evidentiary Hearings

Pursuant to N.D. TX L.B.R. 9014.1, before any evidentiary hearing, the parties are expected to have discussed settlement and exchanged witness lists and exhibits at least three (3) business days in advance of the hearing date.

Judge Robert L. Jones

Contact the courtroom deputy at 806/472-5006 for information on calendaring procedures in Judge Jones' Court.

Judge Harold C. Abramson

- General Docket

Attorneys may present orders at the 9:15 a.m. and 1:45 p.m. docket calls and should contact the courtroom deputy to confirm dates and times for docket calls. Disagreements by attorneys over the drafting of an order should be submitted to the Judge in writing.

- Scheduling Settings

Most settings are scheduled with at least 20 days notice. Disclosure statements and chapter 11 plans are set with not less than 30 days notice. Claims objections and trustee's final account hearings are set with 30 days notice.

All settings, except emergencies and expedited requests, are set telephonically or by e-mail in advance of the filing of motions, applications, or adversary complaints. Emergency motions should be filed prior to setting. Contact the courtroom deputy at 214/753-2022 or HCA_Settings@txnb.uscourts.gov to schedule a setting.

- Emergency/Expedited Requests

Emergency and expedited motions should be filed with a copy and cover letter, either faxed or hand-delivered, to the Courtroom deputy stating the reason for the expedited setting. After review, the Judge will determine when an emergency shall be set. All emergency or expedited pleadings should be filed prior to setting. If not deemed an emergency, the courtroom deputy will set it through normal procedures. The courtroom deputy will contact the filing attorney to advise the date and time for the hearing.

- Telephonic Hearing Policy

Hearings may be conducted by teleconference when deemed appropriate by the Court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the Court, associated time and cost of travel, and equity to all parties. Counsel may request a telephonic hearing by sending or faxing a letter to the courtroom deputy. *See Appendix A for more information.*

- Motions to Lift/Annul/Modify or for Relief From Stay

Preliminary hearings on motions to lift stay are set by phone and must be set by movant within 30 days from the date of filing (except for agreed motions pursuant to Rule 4001(d)) or they will be denied for want of prosecution. Preliminary hearings are scheduled on Tuesday mornings. Contact the courtroom deputy for a setting. Final hearings will be set by the courtroom deputy, if necessary, after the preliminary hearing.

Agreed or default orders submitted prior to the scheduled hearing date will be held until the hearing for signature.

- U.S. Trustee Docket

The U.S. Trustee's docket is generally scheduled every second Monday of the month at 9:15 a.m. Settings are scheduled by the attorney in the Office of the U.S. Trustee handling Judge Abramson's cases. The Bankruptcy Clerk's Office handles noticing.

- Chapter 13 Trustee Docket

The chapter 13 trustee's docket is scheduled on the first or second Thursday of the month at 2:00 p.m. Only continuations, dismissals, reinstatements and modifications are heard on this date. All other chapter 13 matters may be set by contacting the courtroom deputy. These dockets are prepared by the chapter 13 trustee's office and are faxed to the court prior to the hearings. General dockets are always scheduled through the chapter 13 trustee's office. The courtroom deputy cannot set on this docket unless instructed by the judge.

- Reaffirmations/Lien Avoidances

Only reaffirmations filed by pro se debtors will be set for a hearing by the courtroom deputy. Motions to avoid lien are filed with twenty day negative language. If the motion is contested it will be set for a hearing by the courtroom deputy.

- Resets/Removals from the Docket

When hearings/trials are requested to be reset, the party requesting the resetting has to certify to the courtroom deputy that all parties (or their attorneys) have agreed to the resetting. Frequently-agreed passes on the same matter may eventually necessitate proof of client consent, or result in the matter being dismissed for want of prosecution.

On an adversary docket call where it is announced that the matter is passed for settlement, the case will be dismissed for want of prosecution 30 days thereafter unless written explanation is furnished to the court, within such 30 days, explaining why the case needs to be retained on the docket or reset.

- Fee Applications and Retainers

All fee applications require a hearing. Chapter 7 fee applications are heard at the Trustee's Final Account hearing. Chapter 11 fee applications are set on or after confirmation of the plan unless an interim hearing is approved by the Court. *See Appendix B for required Fee Application Cover Sheet.*

Fee applications shall include a statement of compliance with *First Colonial*, and **counsel** should review fee applications for accuracy and propriety before filing. Copies of interim fee applications accompanied by a letter indicating the necessity and justification for interim compensation should be sent directly to the court before requesting a setting pertaining to compensation.

Refer to N.D. TX L.B.R. 2016 for instructions pertaining to retainers. Generally, retainer fees are to be placed in a trust and may not be used without Court approval.

- Trustee's Final Report

Final Reports are reviewed by Judge Abramson and he notes whether a hearing is necessary. Noticing is handled by the Bankruptcy Clerk's Office. If no objections are filed, the court may consider it without a hearing. If objections are filed, a hearing will be held with notice to the trustee and objecting party only.

- Trial Docket Call/Adversaries

The fourth full week of each month (except Tuesday morning) is designated “trial week.” The trial docket will be called at 1:45 p.m. on the third Monday of the week before trial week. All attorneys with cases on the trial docket are expected to appear at the trial docket call and to be prepared for trial.

Upon the filing of an adversary proceeding the summons will be issued. The courtroom deputy will issue the scheduling order with the trial date and will return by mail the summons and scheduling order to plaintiff’s attorney. The plaintiff’s attorney shall serve all parties the Standing Scheduling Order with the summons and complaint. Compromise, settlement, and stipulations are expected to have occurred prior to the docket call. Documents are also to be exchanged and marked before the docket call. Pursuant to the Standing Scheduling Order regarding adversary proceedings:

- (i) A Proposed Pretrial Order shall be served and filed seven calendar days prior to docket call;
- (ii) Proposed Findings of Fact and Conclusions of Law shall be filed three days prior to docket call; and
- (iii) A list of witnesses and exhibits, except for those being used for impeachment purposes, shall be filed with the court.

- Motions for Default Judgment

Motions for default judgment may require a hearing and will be set prior to the trial docket call if possible.

- Motions for Summary Judgment

Motions for Summary Judgment require a hearing unless the parties request a decision on pleadings. Per the Scheduling Order, Motions for Summary Judgment may not be filed within 30 days of trial unless permission is given by the court.

- Orders

All inquiries pertaining to the status of orders (including agreed orders) are to be directed to the Bankruptcy Clerk's Office. The case administrators will provide information on whether and when an order has been entered. Copies of signed orders which are not entered on the docket, will not be available. Copies of entered orders can be obtained from the Bankruptcy Clerk's Office.

Orders submitted for signature must be accompanied by a transmittal letter which reviews the hearing and issues, and a copy of the pertinent motion or other pleadings.

- Chapter 11 Cases

Monthly status reports from counsel for the debtor-in-possession, including an explanation as to why a plan has not been filed, are required for all chapter 11 cases pending more than six months. These reports shall be filed in duplicate with the Bankruptcy Clerk's Office.

- Pleadings/Service of Pleadings

All original pleadings are to be filed with the Bankruptcy Clerk's Office. Pleadings filed less than two full business days before hearing should be so identified to the intake clerk and at hearing. Only attorneys may sign certificates of service and shall be accountable for service of pleadings and notice of hearing date and time.



RULES GOVERNING PRACTICE BEFORE THE COURT

◆ Admission to Practice

All duly licensed attorneys who are admitted to practice before the U.S. District Court for the Northern District of Texas shall be allowed to practice law before the bankruptcy court. Admission to the U.S. District Court for the Northern District of Texas is governed by Northern District of Texas' Local Civil Rule 83.7.

All partnerships, corporations and other business entities (other than an individual conducting business as a sole proprietorship) that appear in proceedings before this court must be represented by an attorney admitted to practice before this court.

An attorney who is not admitted to practice before this court may be permitted by the court to appear pro hac vice. Admittance pro hac vice is governed by Northern District of Texas' Local Civil Rule 83.9.

◆ Local Bankruptcy Rules

The Local Bankruptcy Rules of the U.S. Bankruptcy Court for the Northern District of Texas are to be used in conjunction with the Federal Rules of Bankruptcy Procedure in all cases and proceedings under Title 11 of the United States Code, except as otherwise ordered by the presiding judge in a case or proceeding. Copies of the Local Bankruptcy Rules are available at the Bankruptcy Clerk's Office, on the Court's home page on the World Wide Web (<http://www.txnb.uscourts.gov>), or through PACER.

The Local Rules may be amended or supplemented from time to time as necessary for the proper administration of justice. Should any matter of practice or procedure require the attention of the court on a more frequent basis, the court shall from time to time enter general or standing orders. The Clerk maintains a file of all general and standing orders entered by the court. This file is available for public inspection during regular Clerk's Office business hours.

◆ Standing and General Orders

Standing and general orders are orders or rules of court which address the regulation of procedure in general, or in some general branch of the court's jurisdiction; as opposed to a rule or an order made in an individual case. They may or may not eventually be replaced by a local rule. Copies of all standing and general orders are available through the Bankruptcy Clerk's Office and on the Court's web page.



U.S. TRUSTEE AND TRUSTEES

◆ Responsibility

The Bankruptcy Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986, established a permanent U.S. Trustee system. The U.S. Trustee is charged with the responsibility of supervising the administration of cases and case trustees. Chapter 39 of Title 28, United States Code, is entitled “United States Trustee” and § 586, as amended by the 1986 Act, states that the U.S. Trustee shall:

1. establish, maintain and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under chapter 7 of Title 11;
2. serve as and perform the duties of a trustee in a case under Title 11 when required under Title 11 to serve as trustee in such a case;
3. supervise the administration of cases and trustees in cases under chapter 7, 11, or 13 of Title 11 by, whenever the U.S. Trustee considers it appropriate:
 - a. monitoring applications for compensation and reimbursement filed under § 330 of Title 11 and, whenever the U.S. Trustee deems it to be appropriate, filing with the court comments with respect to any of such applications;

- b. monitoring plans and disclosure statements filed in cases under chapter 11 of Title 11 and filing with the court, in connection with hearings under §§ 1125 and 1128 of such Title, comments with respect to such plans and disclosure statements;
 - c. monitoring plans filed under chapters 12 and 13 of Title 11 and filing with the court, in connection with hearings under §§ 1224, 1229, 1324, and 1329 of such Title, comments with respect to such plans;
 - d. taking such action as the U.S. Trustee deems to be appropriate to ensure that all reports, schedules, and fees required to be filed under Title 11 and this title by the debtor are properly and timely filed;
 - e. monitoring creditors' committees appointed under Title 11;
 - f. notifying the appropriate U.S. Attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States and, on the request of the U.S. Attorney, assisting the U.S. Attorney in carrying out prosecutions based on such action;
 - g. monitoring the progress of cases under Title 11 and taking such actions as the U.S. Trustee deems to be appropriate to prevent undue delay in such progress; and
 - h. monitoring applications filed under § 327 of Title 11 and, whenever the U.S. Trustee deems it to be appropriate, filing with the court comments with respect to the approval of such applications;
- 4. deposit or invest under § 345 of Title 11 money received as trustee in cases under Title 11;
 - 5. perform the duties prescribed for the U.S. Trustee under Title 11 and this Title, and such duties consistent with Title 11 and this Title as the Attorney General may prescribe; and

6. make such reports as the Attorney General directs.

The legislative history of the Reform Act makes clear that the establishment, maintenance, and supervision of the panel of trustees is the U.S. Trustee's "primary function, and his most important contribution to the administration of the bankruptcy system" (H.R. Rep. No. 595, 95th Cong., 1st Sess. 439 (1977)).

◆ U.S. Trustee/Assistant U.S. Trustee

The U.S. Trustee for Region 5 (which includes the Northern District of Texas) is William T. Neary and the Assistant U.S. Trustee is George McElreath. The U.S. Trustee's Office is located at 1100 Commerce Street, Room 9C60, Dallas, TX 75242. The U.S. Trustee can also be contacted by calling 214/767-8967.

◆ Trustees

The trustee is a person appointed in a bankruptcy case to represent the interests of the bankruptcy estate and the unsecured creditors. In chapter 7 cases the trustee's responsibilities include reviewing the debtor's petition and schedules, liquidating the property of the estate, and making distributions to creditors. The trustee may also bring actions against creditors or the debtor to recover property of the bankruptcy estate. In addition to the responsibilities stated above, chapter 13 trustees are responsible for overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

Chapter 7 Panel Trustees

Please note that this information is subject to change without notice. Contact the appropriate Bankruptcy Clerk's Office for the most current listing.

- Dallas Division

The Chapter 7 Panel Trustees for the Dallas Division are:

James W. Cunningham
6412 Sondra Drive
Dallas, TX 75214

Diane G. Reed
2693 Hwy. 77 North, #204
Waxahachie, TX 75165

John H. Litzler
1412 Main St. 24th Floor
Dallas, TX 75202

Scott M. Seidel
1201 Elm Street
Dallas, TX 75270

Robert Milbank, Jr.
500 N. Akard, Suite 3960
Dallas, TX 75201

Daniel J. Sherman
509 N. Montclair Avenue
Dallas, TX 75208

Jeffrey H. Mims
3102 Oaklawn, Suite 700
Dallas, TX 75219

Robert Yaquinto, Jr.
509 N. Montclair Avenue
Dallas, TX 75208

Robert F. Newhouse
P.O. Box 820924
Dallas, TX 75382

- Fort Worth Division

The Chapter 7 Panel Trustees for the Fort Worth Division are:

Shawn Brown
1701 River Run Road, #1000
Fort Worth, TX 76107

Marilyn Garner
2000 E. Lamar Blvd., #600
Arlington, TX 76006

Harry L. Cure, Jr.
1201 East Belknap Street
Fort Worth, TX 76102

John Dee Spicer
338 Grapevine Hwy.
Hurst, TX 76054

Carey Ebert
1236 Southridge, #100
Hurst, TX 76053

- Lubbock Division

The Chapter 7 Panel Trustees for the Lubbock Division are:

Floyd D. Holder, Jr.
1001 Main Street, Suite 801
Lubbock, TX 79401

Deborah J. Penner
P.O. Box 65166
Lubbock, TX 79464

Myrtle L. McDonald
P.O. Box 2426
Lubbock, TX 79408

Max R. Tarbox
3223 South Loop 289, # 414
Lubbock, TX 79423

- Abilene and San Angelo Divisions

The Chapter 7 Panel Trustee for the Abilene and San Angelo Divisions is Harvey L. Morton, P.O. Box 10305, Lubbock, TX 79408.

- Amarillo Division

The Chapter 7 Panel Trustees for the Amarillo Division are:

Donna Christie
612 S. Van Buren
Amarillo, TX 79101

Kent Ries
Amarillo National Plaza II
500 S. Taylor, Ste 902
LB 205
Amarillo, TX 79101

- Wichita Falls Division

The Chapter 7 Panel Trustee for the Wichita Falls Division is Harry Cure, Jr., 1201 East Belknap Street, Fort Worth, TX 76102.

Chapter 13 Standing Trustees

- Dallas Division

The Standing Chapter 13 Trustee for the Dallas Division is Thomas D. Powers, 600 N. Pearl Street, Suite 500, Dallas, TX 75201.

- Fort Worth Division

The Standing Chapter 13 Trustee for the Fort Worth Division is Timothy Truman, 6851 N.E. Loop 820, Suite 300, Fort Worth, TX 76180.

- Lubbock Division

The Standing Chapter 13 Trustee for the Lubbock Division is Robert B. Wilson, 1500 Broadway, Suite 300, Lubbock, TX 79401.

- Abilene, Amarillo, San Angelo and Wichita Falls Divisions

The Standing Chapter 13 Trustee for the Abilene, Amarillo, San Angelo and Wichita Falls Divisions is Walter O'Cheskey, 2575 South Loop 289, Suite 103, Lubbock TX 79423.

Chapter 12 Trustee

- Dallas and Fort Worth Divisions

The Chapter 12 Trustee for the Dallas and Fort Worth Divisions is Janna Countryman, P.O. Box 941027, Plano, TX 75904.

- Abilene, Amarillo, Lubbock, San Angelo and Wichita Falls Divisions

The Chapter 12 Trustee for the Abilene, Amarillo, Lubbock, San Angelo and Wichita Falls Divisions is Walter O'Cheskey, 2575 South Loop 289, Suite 103, Lubbock, TX 79423.



BANKRUPTCY FEES AND METHODS OF PAYMENT

◆ Schedule of Fees & Instructions for Filings and Services

This Schedule of Fees is effective April 1, 1998, and replaces the Schedule found as Appendix D of the Local Rules (April 2, 1998). All fees are fully earned and due upon filing or request for service and are accepted subject to collection. Trustees are required to pay fees when there are funds in the estate.

A Mailing List of Creditors shall be filed contemporaneously with the filing of a voluntary petition (N.D. TX L.B.R. 1002). An Adversary Cover Sheet shall be filed contemporaneously with an adversary complaint (N.D. TX L.B.R. 7003).

In addition to the number of copies required to be filed, submit an additional copy and a self-addressed stamped envelope in order to receive a file-marked copy of the pleading.

Fee Schedule

All of the fees listed, with the exception of the Section 304 fee, includes a \$30 administrative fee.

<u>Petition Filed Under</u>	<u>No. of Copies</u>	<u>Fee</u>
Chapter 7	Original & 3 copies	\$ 200.00
Chapter 9	Original & 6 copies	\$ 330.00
Chapter 11	Original & 6 copies	\$ 830.00
Chapter 11 (Railroad)	Original & 6 copies	\$1,030.00
Chapter 12	Original & 3 copies	\$ 230.00
Chapter 13	Original & 3 copies	\$ 185.00
Section 304	Original & 3 copies	\$ 500.00

The Clerk shall refuse to accept for filing any petition presented without the appropriate fee.

Payment of Filing Fee In Installments

Pursuant to Rule 1006(b)(2) of the Federal Rules of Bankruptcy Procedure, the Court hereby fixes the amount of the first installment payment when an application to pay the filing fee in installments is granted. The Clerk shall refuse to accept for filing any petition which is presented without the initial installment payment as set forth below. Specifically, the Court hereby sets the first payment to be:

- a. in chapter 7, 12 and 13 cases, an initial installment payment of \$50.00 shall be paid with the original petition (and one copy) and an Application to Pay the Filing Fee in Installments upon the filing of the petition;
- b. in a chapter 11 case, an initial installment payment of \$100.00 shall be paid with the original petition (and six copies) and an Application to Pay the Filing Fee in Installments upon the filing of the petition.

The Clerk shall provide a copy of the Order and Notice Regarding the Initial Payment of Filing Fees Paid in Installments (General Order 96-4) to persons filing an Application to Pay the Filing Fee in Installments.

Motion to Reopen Bankruptcy Code Case

The appropriate fee shall be collected and receipted upon the filing of the Motion to Reopen, unless the motion is accompanied by a statement that the case is being reopened to correct an administrative error or for actions related to the debtor's discharge.

<u>Petition Filed Under</u>	<u>No. of Copies</u>	<u>Fee</u>
Chapter 7 and 13	Original & 1 copy	\$ 155.00
Chapter 9	Original & 1 copy	\$ 300.00
Chapter 11	Original & 1 copy	\$ 800.00
Chapter 11 (Railroad)	Original & 1 copy	\$ 1,000.00
Chapter 12	Original & 1 copy	\$ 200.00

Schedules and Statements

Schedules and Statements require the original and the same number of copies as of the petition. There is no charge for filing Schedules and Statements.

Amendments to Schedules D, E, and/or F

Amendments to Schedules D, E, and/or F in a chapter 7 or 12 case require an original and two copies. An original and one copy is required in a chapter 11 or 13. You must also include an updated Mailing List of Creditors. There is a fee of \$20.00 for filing amendments to Schedules D, E, and/or F.

Motion to Divide a Joint Petition Filed at Debtor's Request

<u>Petition Filed Under</u>	<u>No. of Copies</u>	<u>Fee</u>
Chapter 7	Original & 1 copy	\$ 77.50
Bifurcate/Convert to Ch. 7	Original & 1 copy	\$ 92.50
Chapter 11	Original & 1 copy	\$ 400.00
Chapter 12	Original & 1 copy	\$ 100.00

Bankruptcy Case Conversions

<u>To/From</u>	<u>No. of Copies</u>	<u>Fee</u>
Chapter 11/Chapter 7 or 13	Original & 1 copy	\$ 400.00
Chapter 7/Any Chapter	Original & 1 copy	\$ 15.00
All Other Conversions	Original & 1 copy	No Charge

The fee for conversions to chapter 11 from a chapter 7 or 13 is applicable when the conversion is at the debtor's request. The appropriate fee shall be collected and receipted upon the filing of the Motion to Convert.

Motions for Relief From the Automatic Stay; Withdraw Reference of a Case or Proceeding to District Court; or to Require a Trustee or Debtor in Possession to Abandon Property

Filing motions for Relief from the Automatic Stay, Withdraw Reference of a Case or Proceeding to District Court, or to Require a Trustee or Debtor in Possession to Abandon Property require an original and one copy. A \$75.00 fee shall be collected upon the filing of this motion. A fee is **not** collected if: 1) motion is to approve an agreement to modify or terminate the automatic stay; 2) motion is against co-debtor; or 3) is a child support creditor or its representative is the movant and motion is accompanied with an Appearance of Child Support Creditor form.

Miscellaneous Pleadings

Filing any other miscellaneous pleading, not listed above, requires an original and one copy. There is no fee for filing any miscellaneous pleading.

Adversary Proceeding

The Dallas and Fort Worth Divisions require an original and one copy, plus an original and two copies of the summons, and an original and one copy of the scheduling order when filing an adversary proceeding. There is a fee of \$150.00 for filing an adversary proceeding. If the United States, other than the

U.S. Trustee acting as a trustee, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee is to be paid from the funds of the estate.

Proofs of Claim

<u>Petition Filed Under</u>	<u>No. of Copies</u>	<u>Fee</u>
Chapter 7 (asset) or Chapter 11	Original only	No Charge
Chapter 12 or Chapter 13	Original & 1 copy	No Charge

Appeals

- Notice of Appeal

Filing a Notice of Appeal requires an original and two copies. There is a fee of \$5.00 for filing a Notice of Appeal.

- Docketing Fee

There is a Docketing Fee of \$100.00 per Notice of Appeal and/or Notice of Cross-Appeal.

- Preparation of Record on Appeal

There is a fee of \$.50 per page for the preparation of the record on appeal unless furnished by the party or copier service.

Miscellaneous Fees

<u>Service</u>	<u>Fee</u>
Certifications	\$ 5.00
Copies per page	\$.50
Exemplification Certificate	\$ 10.00
Returned Check (NSF)	\$ 25.00
Issuance of subpoena Pending	
in another District	\$ 20.00
in this District	No charge
Registration of Judgment from another District	\$ 20.00
Retrieval of any record from the NARA	\$ 25.00
Search (per name, case, adversary number, or archive information)	\$ 15.00
Copies of audio cassette tapes (per tape)	\$ 15.00

◆ Methods of Payment

Acceptable methods of payment include cash, check, money order, or cashier check. Checks shall be payable to “Clerk, U.S. Bankruptcy Court.” Checks made payable to a named person (i.e. “Tawana C. Marshall”) are not acceptable. Only law firm checks will be accepted in payment of filing fees. Checks from debtors will not be accepted. Credit card payment is accepted for emergency petitions filed in the Abilene, San Angelo, and Wichita Falls Divisions.



FILING REQUIREMENTS

◆ Voluntary Petitions – Chapters 7, 9, 11, 12, and 13

Federal Rules of Bankruptcy Procedure 9009 prescribes that the official forms “shall be observed and used with alterations as may be appropriate.” These forms are not provided to the public by the Court. The forms can be obtained from commercial legal printers or office supply stores. They are also available through various computer software packages.

The official forms of the petitions, schedules, statements and plan are to be printed only on one side using 8½" x 11" paper. Each page of the original set is to be pre-punched with two holes at the top, and must have a sufficient top margin allowed so that neither caption nor text is destroyed or obscured. Compliance with these standards will facilitate both the securing of the papers in the case file and the reviewing of the file by the public.

The forms should be either typed or legibly printed. The petition should be arranged in the following order:

- Voluntary Petition*
- Notice to Individual Consumer Debtor(s) (if applicable)
- Statement of Affairs
- Summary of Schedules
- Schedules A – J (in alphabetical order)
- Statement of Intent (if applicable)

- Disclosure of Compensation
- List of Creditors
- Certification Verifying Creditor Matrix

* The voluntary petition must always be the top page and include both the debtor's and the attorney's *original* signatures.

The following are the requirements for emergency or minimum filings:

- Voluntary Petition
- Declaration on Behalf of Corporation (if applicable)
- Notice to Individual Consumer Debtor(s) (if applicable)
- Disclosure of Compensation
- Mailing Matrix
- Filing Fee or Application and Order to Pay Filing Fee in Installments
- List of 20 Largest Unsecured Creditors (Chapter 11 Only)

A Notice of Deficiency will be issued when a case is filed without the minimum required documents. The Notice of Deficiency will reference the deadlines applicable to the documents which are deficient from the voluntary petition filing.

The Court monitors these deficiencies and may enter an order of dismissal if they are not cured in the prescribed period of time (unless a motion to extend time for filing such documents is filed with the Court). If you feel that you have received a deficiency notice in error, do not ignore it; contact the Clerk's Office in the appropriate division immediately or the case may be dismissed.

An original and six copies of a petition under chapter 9 or 11 shall be filed. An original and three copies of a petition under any other chapter shall be filed. You must include an additional copy and a self-addressed, stamped envelope for each case submitted if you wish to receive a file-marked copy of the petition.

Failure to submit the appropriate filing fees with any document or an improper form of payment may result in the return of the document by the Bankruptcy Clerk's Office. Although not mandatory, it is advisable to use a separate check for each document requiring a filing fee. If only one check is used for numerous documents and one of the documents cannot be filed, the Bankruptcy Clerk's Office cannot accept the other documents (inappropriate filing fee) and they are not allowed to make change.

◆ Involuntary Petitions General Requirements - Chapter 7 & 11

An involuntary petition may be commenced only under chapter 7 or 11, and only against a person (except a farmer or corporation that is not a moneyed business or commercial corporation that may be a debtor under the chapter under which such case is commenced [11 U.S.C. § 303]). The exception that a husband and wife may file a joint petition applies to *voluntary* petitions only.

Official form B5 is to be used in every involuntary case, including a partnership. The form provides space for the signature of the attorney and the petitioning creditors. Furthermore, the advisory committee's note to that form provides, in part: "Each petitioning creditor, by signing on the line provided, signs both the petition and the unsworn declaration which 28 U.S.C. § 1746 permits instead of verification. The addresses as well as the names of individuals signing the petition in a representative capacity are required, together with disclosure of which petitioner is represented by each signatory." Failure to sign the petition may constitute a serious defect in the filing. An involuntary case is commenced by three or more entities (petitioning creditors) with unsecured claims totaling at least \$10,000. The alleged debtor must also have 12 or more creditors. If there are fewer than 12 creditors, there must be more than 3 entities (petitioning creditors) that hold unsecured claims totaling at least \$10,750 to commence the case. As part of the filing requirement, the filing party must file a mailing matrix with the involuntary petition. Even though all creditors may not be known at the time of the filing, the filing party must submit at least the addresses of the petitioning creditor(s) and their attorneys on a matrix.

Upon filing, the Bankruptcy Clerk's Office will assign a case number to the involuntary petition; however, an appointment of a trustee will not be made until an order for relief has been entered. Additionally, the filing party will receive an instruction letter along with the summons. Service of the summons must be made within ten (10) days following the issuance of the summons. The party should file proof of such service with the Court. If a summons is not timely delivered or mailed, the party should write a letter to the Court asking for reissuance of the summons.

◆ Adversary Proceedings

Adversary proceedings are assigned a number (separate from the bankruptcy case number) which must be used in conjunction with the related bankruptcy case number in the caption of all adversary proceedings. Captions of adversary proceedings should clearly reflect the name of the debtor, plaintiff, and defendant.

Pursuant to Federal Rules of Bankruptcy Procedure 7001, an adversary proceeding must be filed when a party is seeking to:

1. recover money or property, except during a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under § 554(b) or § 725 of the Code, Fed. R. Bank. P. 2017 or 6002.
2. determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Fed. R. Bank. P. 4003(d).
3. obtain approval pursuant to § 363(h) for the sale of both the interest of the estate and of a co-owner in property.
4. object to or revoke a discharge.
5. revoke an order of confirmation of a chapter 11, 12, or 13 plan.
6. determine the dischargeability of a debt.
7. obtain an injunction or other equitable relief.
8. subordinate any allowed claim or interest, except when subordination is provided in a chapter 9, 11, 12, or 13 plan.
9. obtain a declaratory judgment relating to any of the foregoing.
10. determine a claim or cause of action removed pursuant to 28 USC § 1452.

Parties to an adversary proceeding are required to designate in their initial pleadings whether a proceeding is core or non-core (28 USC § 157 distinguishes between “core” and “non-core” proceedings). This designation is important to the judges and the Bankruptcy Clerk’s Office in determining how to process and handle final orders and rulings of the Court.

Subsections (4) and (5) of the Fed. R. Bank. P. 7004 address service of a summons and complaint (and in a contested matter, the motion (see Fed. R. Bank. P. 9014) on the United States or any officer or agency of the United States. Plaintiffs (or moving parties), frequently fail to effect service in accordance with these subsections. The most common defect is that service is not made on the Attorney General of the United States nor on the officer or agency involved – usually the U.S. Attorney for the district is served. There may be other parties who should also be served, such as the trustee, and that is a determination for the plaintiff (or the moving party) to make. Failure to effect such service could render any order issued on the objection invalid should the party not served subsequently file a motion under Fed. R. Bank. P. 7060.

After the adversary proceeding is filed, the Bankruptcy Clerk’s Office issues a summons. A summons is only valid for ten days following its issuance (Fed. R. Bank. P. 7004(f)). If the ten day period has passed without the summons being served, the plaintiff should request, in writing, that the summons be reissued.

Federal Rules of Bankruptcy Procedure 7055 (and Fed. R. Civ P. 55) provides the procedure for defaults and default judgments. The Clerk of Court plays a major role in entering defaults and, in certain circumstances, the Clerk can sign and enter default judgments. If the defendant has failed to respond, the plaintiff should file an affidavit of default, which sets forth the following facts:

1. The date of issuance of summons;
2. A statement of whether the court fixed a deadline for the filing of an answer or motion, or whether the 30 (or 35) day limit applies;
3. The date of service of complaint;
4. The date of filing of affidavit of service or certificate of mailing;

5. A statement that defendant is not an infant or incompetent person, nor has been in the military of the United States since the filing of the suit or for a period of six months prior to such filing;
6. A statement that no answer or motion has been received within the time limit.

There are certain time constraints when filing an adversary proceeding pursuant to § 523 and § 727 of the Bankruptcy Code. Please consult Fed. R. Bank. P. 4004(a)(b)(c), 4007(c)(d), and 9006(b)(3) for time constraints associated with complaints to determine dischargability and objecting to discharge.

The party initiating an adversary proceeding (Bankruptcy Rule 7004) or a contested matter (Bankruptcy Rule 9013) against an insured depository institution shall make service on insured depository institutions by certified mail when that service is required by Bankruptcy Rule 7004(h).

◆ Amendments to Open or Pending Cases

Copy Requirements

Chapter 7, 12 and 13 cases require an original and two copies. Chapter 9 and 11 cases require an original and five copies.

Adding Creditors to the Mailing Matrix

Amendments adding creditors must be:

- a. signed by debtor; and
- b. accompanied by a certificate of service to new creditors indicating service of the amendment, the §341 meeting notice, the discharge, and any other document which may affect the creditor.

Amendment to Schedules

Follow the steps outlined above if amending schedules to add creditors. If amending schedules without adding creditors, the debtor must sign the amendment and the certificate of service should indicate service of the amendment on creditors affected by it. A \$20.00 filing fee is also required pursuant to 11 USC § 1930.

Schedules Filed After the Petition

If the schedules are being filed after the petition has been filed, and there are creditors in addition to those on the matrix or list filed with the petition, follow the steps outlined in “Adding Creditors” above. A supplemental mailing matrix or list of creditors containing fewer than ten (10) creditors, or a supplemental matrix in a chapter 13 case, must be submitted with a hard copy in a scannable format. N.D. TX L.B.R. 1007.2 governs requirements for lists of creditors.

Amended Schedules Due Following a Conversion

If amended schedules with additional creditors are due pursuant to an order converting the case from one chapter to another you must also submit a mailing matrix of only the additional creditors.

Amending Voluntary Petition

Unless you are amending the voluntary petition itself, **do not** file another petition.



APPEALS

Appeals are governed by the 8000 series of the Fed. R. Bank. P. and the U.S. District Court for the Northern District of Texas' Local Rule LBR 8005.1 and 8007.1. All appeals must be directed to the U.S. District Court for the Northern District of Texas. Failure to comply with the requirements set forth in the Order and Notice of Guidelines Regarding Appeals to the District Court, as outlined below, may result in the dismissal of the appeal or other action as determined by the U.S. district court judge subsequently assigned to the appeal.

◆ Designation of the Record

Rule 8006 of the Bankruptcy Rules provides that within ten days after filing the Notice of Appeal or entry of an Order Granting Leave to Appeal, the Appellant shall file with the Clerk of the Bankruptcy Court and serve on the Appellee(s): (1) a "designation" of the items, including transcripts and exhibits, to be forwarded as the Record on Appeal; and (2) a "statement of the issues." Within ten days after service of the designation and statement, the Appellee may file and serve on the Appellant a designation of additional items to be included in the record on appeal. You are further required to identify pleadings in your designation by indicating the title of the document and the document number. The document number appears immediately to the left of the entry of the pleading on the docket sheet.

◆ Obtaining Copies of Docket Sheets

Docket sheets are available for viewing in the Bankruptcy Clerk's Office during regular business hours Monday through Friday. The Bankruptcy Clerk's Office charges a fee of \$.50 per page for copies. PACER subscriber's can print copies of docket sheets from their PC (for more information on PACER contact the PACER Service Center at 1-800-676-6856).

◆ Failure to File a Designation of Record

Failure to file a proper and timely Designation of Record will be deemed an indication that the Appellant does not wish to pursue the appeal. The record on appeal consisting of a certified copy of the docket sheet, the Notice of Appeal, and the order from which the appeal is taken will be transmitted to the U.S. District Court with a notice of the deficiency indicating that you failed to file a Designation of Record.

◆ Transcript of Proceedings

For information on obtaining a transcript of proceedings, please see "General Information - Transcription and Tape Duplication" of this publication.

◆ Completion and Assembly of the Record on Appeal

Although the primary responsibility to transmit the Record on Appeal rests with the Bankruptcy Clerk, the amendment to Rule 8006, as of August 1, 1991, provides that: "Any party filing a designation of the items to be included in the record shall provide to the clerk a copy of the items designated." You may provide file-stamped copies of all designated items, including exhibits from your own file.

In the Dallas Division, you may obtain copies from the Court's contracted copy service at 214/651-6000. Arrangements for obtaining copies can be made by completing a Bankruptcy Court Copy Request form and delivering the completed form to the copy service. The form must be submitted to the copy service within five days of receipt of the Order and Notice of Guidelines Regarding Appeals to the District Court. You may mail the form or fax it to the copy service at 214/651-6001.

Also, pursuant to Bankruptcy Rule 8006, all copies of designated documents must be two-hole punched at the top, assembled in the order in which they are listed on the Designation/Cross-Designation and fastened into durable, pressboard binders with labels.

◆ **Transmittal of the Record to the District Court**

When the record has been assembled (including transcripts and exhibits) and after the expiration of applicable time limits, the Clerk of the Bankruptcy Court shall transmit the record to the Clerk of the District Court. Upon receipt of a complete record, the Clerk of the District Court will enter the appeal on the docket and shall provide written notice to the parties of the day on which the appeal was docketed. Your obligation under Rule 8009 to file appellant briefs begins on the date of entry of the appeal on the district court docket. Deficient designations will be presented to the presiding U.S. district judge for a determination on dismissing the appeal.

◆ **Interlocutory Appeals**

Pursuant to Rule 8003 of the Bankruptcy Rules, the Notice of Appeal from an interlocutory order of the Bankruptcy Court must be accompanied by a "Motion For Leave To Appeal" under 28 USC § 1334(b) or § 1482(b). Within ten days after service of the Motion, an adverse party may file with the Clerk of the Bankruptcy Court an Answer in Opposition. Once the ten day period for submission of an Answer has expired, the Notice of Appeal, the Motion for Leave to Appeal and any answer in opposition will be transmitted by the Clerk of the Bankruptcy Court to the Clerk of the U.S. District Court for assignment to a U.S. district court judge.

◆ **Statement of Costs**

After transmittal of the Record on Appeal and pursuant to Bankruptcy Rule 8014, all parties are required to file a statement of the costs incurred in preparation of the Record on Appeal and Briefs filed in U.S. District Court.

The Bankruptcy Clerk's Office will prepare and transmit a Certificate of Costs to the U.S. District Court. Parties who wish to have their costs reported on the Certificate must file a statement of costs with the Clerk of the Bankruptcy Court. This statement must be received at the Bankruptcy Clerk's Office no later than five days after filing Briefs with the U.S. District Court. If there are oral arguments granted, an additional statement of costs may be filed with the Clerk of the Bankruptcy Court. Any additional statements of cost based on costs associated with oral arguments must be received in the Bankruptcy Clerk's Office within five days after oral arguments are concluded. Except for statements of costs where oral arguments are granted, no Certificate of Costs regarding statements incurred in the preparation of the Record on Appeal and Briefs will be prepared or transmitted by the Bankruptcy Clerk's Office for any party that did not comply with the five day time limit established above.



REMOVAL PROCEDURES AND WITHDRAWAL OF REFERENCE

◆ Removal

Federal Rules of Bankruptcy Procedure 9027 governs the procedures for removal of cases. Note that the proceeding must be removed to the district for the state or federal court where the civil action is pending.

◆ Withdrawal of Reference

Motions for withdrawal of reference of a case or proceeding pursuant to Fed. R. Bank. P. 5011 shall be filed with the Bankruptcy Clerk of Court. A motion for withdrawal of reference must be accompanied by the appropriate filing fee. If a child support creditor or its representative is the movant, no fee is required. Refer to N.D. TX L.B.R. 5011.1 for more information on the procedures for withdrawal of reference including the requirements of this court.

APPENDIX A

Protocol for Hearings by Teleconference

Hearings may be conducted by teleconference when deemed appropriate by the Court. In approving a hearing by teleconference, consideration will be given to the nature and scope of the matter before the court, associated time and cost of travel, and equity to all parties. Counsel may request a telephonic hearing by sending or faxing a letter to the courtroom deputy. The fax number is (214) 753-2038.

The Court has recently installed new audio equipment which provides superior telephonic transmission of both incoming and outgoing audio signals from all points in the courtroom. The quality of sound received and transmitted at remote sites will, however, depend largely on the quality of teleconference equipment at that location. The following recommendations should be useful in enhancing the teleconference quality at remote sites.

1. The use of a fully duplexed speaker telephone is highly recommended when multiple parties will be participating at a single remote site. Full duplexing allows simultaneous real-time transmission and reception of audio signals. Use of ordinary speaker telephones will result in the usual nullification of audio reception when speaking, and the nullification of audio transmission while listening.
2. The use of a normal telephone handset provides the same audio quality as the fully duplexed speaker telephone and is recommended for use by individual participants.
3. Please be aware that noise from parties on speaker phones and handsets is magnified by the sound system in the courtroom. Paper-shuffling, coughing, and any other noise is very distracting to all parties. If you have a mute feature on your speaker phone, please use it. **Parties must remember to state their name for the record before speaking.**

4. Technical assistance or additional information regarding the configuration of teleconference equipment may be obtained from the Court Telecommunication Specialist, Tim Christnagel, at (214) 753-2020.

The Court will instruct the movant or party requesting the phone hearing to arrange for the conference call to be set up and then dialed through to chambers. On occasion, the Court will dial a party directly. Any questions should be directed to the appropriate chambers.

All participants must be in place and prepared for the conference call at least fifteen minutes prior to the scheduled hearing time. Please note that due to unanticipated judicial delay, the scheduled hearing time may be postponed.

APPENDIX B

FEE APPLICATION COVER SHEET

_____ (Interim/Final) Fee Application of _____

for the time period of _____

Capacity: _____ Chapter: _____

Debtor/Case: _____

Retainer Received: _____ Amount Previously Paid: _____

Amount Requested:

Fees: _____

Expenses: _____

Other: _____

Total: _____

Reductions:

Vol. Fee Reductions: _____

Expense Reductions: _____

Total Reductions: _____

Expenses:

Copies per page: _____

Faxes per page: _____

WestLaw/Lexis: _____

Other (specify): _____

Hourly Rates:

Attorney / Accountant

Paralegal / Clerical

Highest Rates: _____

Hours Billed: _____

Average: _____

Signature

Date